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FEDERAL COMMUNICATIONS COMMISSION
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In The Matter Of)
Administration Of The)
North American Numbering Plan)

CC Docket No. 92-237
Phases One And Two

COMMENTS OF
NYNEX CORPORATION

NYNEX Corporation

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SUMMARY

NYNEX Corporation hereby comments on a number of tentative conclusions reached, and issues identified, by the Commission relating to the administration of the North American Numbering Plan ("NANP"): how should the NANP be administered; whether the new NANP Administrator ("NANPA") should perform functions associated with the assignment of Central Office (CO) codes; should a fee be imposed on carriers to offset the costs of regulating national numbering resources; to what extent should a transition plan be adopted during which subscribers could use both three and four-digit Feature Group D Carrier Identification Codes ("FGD CICs"); whether a new numbering board should be established to assist regulators; whether numbering charges should be imposed to finance future international administration of the NANP; and whether the Commission should require local exchange carriers, in equal access areas, to deliver interstate intraLATA "1+" toll calls to the interLATA carrier preselected by the end user.

NYNEX commends the Commission for addressing in this proceeding the critical issues that must be resolved if this essential resource is to be managed effectively in the future. For the most part, NYNEX believes that the tentative conclusions reached by the Commission are sound and should be adopted. In some cases, however, the Commission's proposals will not serve the public interest and should not be adopted without the modifications proposed in these Comments.

NYNEX supports the Commission's conclusion that NANP administrative functions should be performed by a non-governmental entity. In our view, however, the functions involved in the administration of the NANP should be split between an industry-representative Oversight Committee, which would have responsibility for adopting numbering policies and guidelines, and a ministerial Administrator of the NANP.

We also demonstrate that the Commission's proposal to transfer responsibility for CO codes to the new NANPA should not be adopted at this time. The proposed centralization of CO code administration raises many complex issues which have not been adequately addressed in this proceeding. It would be far preferable for the Commission to delay resolution of this issue pending the transfer of NANPA from Bellcore to a new Administrator.

Further, NYNEX addresses the Commission's proposal to impose fees on those who are assigned or otherwise directly benefit from the use and regulation of telephone numbers in the United States. While NYNEX does not oppose the adoption of fees that would permit the Commission to recover the costs it incurs in regulating numbers, we recommend that the Commission proceed cautiously in order to avoid the imposition of undue cost burdens on the industry. NYNEX also offers suggestions with respect to the mechanisms that might be utilized to recover those NANP administrative costs that would not be recovered through Commission fees.

In addition, NYNEX demonstrates that the Commission's tentative decision to adopt a six-year transition period for FGD CIC expansion should be modified. In our view, such a prolonged transition period would run the risk of CIC exhaustion and would exacerbate the customer confusion which normally occurs in the changeover of a dialing code. The Commission should adopt a transition plan for FGD CIC expansion that does not exceed eighteen months.

Finally, we respond to the Commission's request for comments on whether the Commission should require LECs to deliver interstate intraLATA 1+ MTS traffic to the carrier presubscribed to by the end user for interLATA calling. Such an interstate intraLATA toll presubscription requirement should not be adopted. It would be competitively unfair to NYNEX and the other BOCs who are precluded by the terms of the MFJ from carrying interLATA calls.

In conclusion, the efficient and fair administration of the NANP is essential to the development of this nation's telecommunications infrastructure. We believe that the Commission's proposals, as modified herein, go a long way to providing the necessary foundation that will ensure the longevity of the NANP as well as the effective and efficient use of its resources.

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COMMENTS OF
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NYNEX Corporation, on behalf of New England Telephone and Telegraph Company, New York Telephone Company and NYNEX Mobile Communications Company ("NYNEX"), by its attorneys, submits these comments in response to the Commission's Notice of Proposed Rulemaking ("Notice") released April 4, 1994, in the above-captioned proceeding.

I. INTRODUCTION AND SUMMARY OF POSITION

The Notice invites comments on a number of tentative conclusions reached, and issues identified, by the Commission relating to the administration of the North American Numbering Plan ("NANP"): how should the NANP be administered; whether the new NANP Administrator ("NANPA") should perform functions associated with the assignment of Central Office ("CO") codes; should a fee be imposed on carriers to offset the costs of regulating national numbering resources; to what extent should a transition plan be adopted during which subscribers could use both three and four-digit Feature Group D Carrier Identification Codes ("FGD CICs"); whether a new numbering board should be established to assist regulators; whether

numbering charges should be imposed to finance future international administration of the NANP; and whether the Commission should require local exchange carriers ("LECs"), in equal access areas, to deliver interstate intraLATA "1+" toll calls to the interLATA carrier preselected by the end user.¹

NYNEX commends the Commission for addressing in this proceeding the critical issues that must be resolved if this essential resource is to be managed effectively in the future. For the most part, NYNEX believes that the tentative conclusions reached by the Commission are sound and should be adopted. In some cases, however, the Commission's proposals will not serve the public interest and should not be adopted without the modifications proposed in these Comments.

In Section II, NYNEX supports the Commission's conclusion that NANP administrative functions should be performed by a non-governmental entity. In our view, however, the functions involved in the administration of the NANP should be split between an industry-representative Oversight Committee, which would have responsibility for adopting numbering policies and guidelines, and a ministerial Administrator of the NANP.

In Section III, we demonstrate that the Commission's proposal to transfer responsibility for CO codes to the new

¹ The Notice builds on the work undertaken by the Commission in response to a prior Notice of Inquiry in this proceeding. Notice of Inquiry released October 29, 1992, 7 FCC Rcd 6837 (1992). Subsequent to issuance of that Notice of Inquiry, Bellcore advised the Commission of its intention to relinquish its role as NANPA.

NANPA should not be adopted at this time. The proposed centralization of CO code administration raises many complex issues which have not been adequately addressed in this proceeding. It would be far preferable for the Commission to delay resolution of this issue pending the transfer of NANPA from Bellcore to a new Administrator.

Section IV addresses the Commission's proposal to impose fees on those who are assigned or otherwise directly benefit from the use and regulation of telephone numbers in the United States. While NYNEX does not oppose the adoption of fees that would permit the Commission to recover the costs it incurs in regulating numbers, we recommend that the Commission proceed cautiously in order to avoid the imposition of undue cost burdens on the industry. Section IV also contains NYNEX's suggestions with respect to the mechanisms that might be utilized to recover those NANP administrative costs that would not be recovered through Commission fees.

In Section V, we demonstrate that the Commission's tentative decision to adopt a six-year transition period for FGD CIC expansion should be modified. In our view, such a prolonged transition period would run the risk of CIC exhaustion and would exacerbate the customer confusion which normally occurs in the changeover of a dialing code. The Commission should adopt a transition plan for FGD CIC expansion that does not exceed eighteen months.

In Section VI, we respond to the Commission's request for comments on whether the Commission should require LECs to deliver interstate intraLATA 1+ MTS traffic to the carrier

presubscribed to by the end user for interLATA calling. Such an interstate intraLATA toll presubscription requirement should not be adopted. It would be competitively unfair to NYNEX and the other BOCs who are precluded by the terms of the Modification of Final Judgment ("MFJ") from carrying interLATA calls.

II. THE ADMINISTRATION OF THE NANP SHOULD BE DIVIDED BETWEEN AN OVERSIGHT COMMITTEE AND AN ADMINISTRATOR

The Commission seeks comment on its tentative conclusion that NANP administrative functions should be performed by a single, non-governmental entity.² The Commission also seeks comments on whether it "should establish a new policy Board to assist regulators in developing and coordinating numbering policy under the NANP."³

NYNEX agrees with the Commission that the NANP should be administered by an independent non-governmental entity. In our view, however, responsibility for NANP functions should be divided between two entities: an Oversight Committee and an Administrator.⁴ Under the NYNEX proposal, numbering policy-making and dispute resolution would be performed by an Oversight Committee; and the maintenance of number databases and processing applications for numbers would be performed by

² According to the Commission, "the overall administration of the NANP necessarily involves four separate, but related functions: policy-making; dispute-resolution; maintenance of number databases; and processing applications for numbers." Notice at para. 7.

³ Notice at para. 25.

⁴ The Oversight Committee would perform the functions of the numbering policy board proposed by the Commission.

the Administrator of the NANP. The Administrator should be a neutral party and have no substantive decision-making role.

The separation of policy-making and ministerial administrative functions is essential to the effectiveness of a new NANPA. One of the main reasons for Bellcore's relinquishment of the NANP function is to avoid even the appearance of a conflict of interest arising from assigning numbering resources in which Bellcore's owners have an interest. To this end, the NANPA should be a third party having no particular stake in numbering resources; no allegiance to any industry segment; and no empowerment nor discretion over substantive issues.

By restricting the NANPA to the performance of ministerial functions, the NYNEX proposal would assure impartiality, evenhandedness and minimization of controversy as the NANPA administers numbering resources. At the same time, the separation of functions will free up the Oversight Committee to concentrate upon policy matters and reach consensus decisions to direct the NANPA without accusation of a conflict of interest, and without the distraction of having to carry out ministerial functions of the NANPA.⁵

A. The Functions Of The Oversight Committee Should Include Policy-Making And Dispute Resolution

Under the NYNEX proposal, the Oversight Committee would have the responsibility for policy-making and dispute

⁵ See also Notice at paras. 14, 18, 25.

resolution. In this role, the Oversight Committee should be responsible for such matters as:

- (1) developing policy guidelines applicable to the use of NANP resources;
- (2) promoting industry discussion of numbering issues and facilitating consensus agreement on such issues;
- (3) developing appropriate policy guidelines for NANP administration;
- (4) planning effectively for the appropriate utilization of numbering resources for future uses;
- (5) planning for the long term expansion of the NANP resource pool;
- (6) acting as a forum for developing the industry's position in national and international standards activities as they relate to NANP use and functions; and
- (7) monitoring the NANPA for compliance with applicable performance guidelines.

B. The Composition Of The Oversight Committee Should Be Representative Of The Industry

If the Oversight Committee is to have any reasonable chance of meeting its goals and objectives, its membership must be representative of the industry. NYNEX suggests that the Oversight Committee be composed of entities with a substantial interest in numbering resource issues and that the interests of other segments be represented through the participation of major industry associations. The membership structure proposed by NYNEX is as follows:

1. Local Exchange Carriers: Ameritech, Bell Atlantic, BellSouth, NYNEX, Pacific Bell, Southwestern Bell, U S WEST, GTE, Stentor and the United States Telephone Association;
2. Interexchange Carriers: AT&T, MCI, Sprint, Unitel and Comptel Association;
3. Wireless Carriers: McCaw and the Cellular Telecommunications Industry Association; and
4. Competitive Access Providers: ALTS Association.

The Commission's staff and other regulatory entities would be welcomed to participate in the deliberations of the Oversight Committee and/or would be kept appropriately involved and informed.⁶

All decisions of the Oversight Committee would require "consensus" among the industry segments. Consensus would be established when a substantial agreement has been reached among members.⁷ Substantial agreement means more than a simple majority, but less than a unanimous vote.

NYNEX proposes that a facilitation process be established to help resolve issues on which consensus is not reached. When the Oversight Committee is presented with an issue for resolution, a time period would be established for the resolution of that issue. If the issue has not been

⁶ As the industry evolves and additional types of providers want to participate, they could be added to the appropriate segment or, if required, a new segment could be formed.

⁷ Consensus would also be required within each industry segment.

resolved by the end of this time period, the Oversight Committee may elect either to (1) extend the time period (if consensus is near); (2) refer the issue to a facilitator for resolution within a specific time period; or (3) refer the issue to the appropriate regulatory body.

C. The Oversight Committee Should Have Access To The Resources Of The Alliance For Telecommunications Industry Solutions

In order to perform its policy-making and dispute resolution functions, it will be necessary for the Oversight Committee to have access to technical resources and expertise. NYNEX proposes that the Oversight Committee obtain such assistance from the Alliance for Telecommunications Industry Solutions ("ATIS"). To do so, NYNEX suggests that the Oversight Committee be placed within the ATIS organizational structure.⁸ Because the Oversight Committee would operate under an established entity, the need for the development of new procedural rules and regulations would be lessened, and a smooth transition from the current NANPA would be permitted. The Oversight Committee would, however, function independently; its numbering work would not be subject to oversight or veto power by ATIS.

⁸ ATIS, formerly the Exchange Carrier Standards Association, is structured to include membership by all industry segments. We believe all members of the industry now support addressing and resolving issues under the umbrella of ATIS. In addition, the Industry Numbering Committee ("INC"), which subtends the Industry Carriers Compatibility Forum ("ICCF") in the ATIS structure, is an open forum created to work on technical issues. Given the organizational structure of ATIS, and the creation of the INC, it is logical and reasonable for the Oversight Committee to reside within the ATIS structure.

D. The NANPA Should Perform Administrative Functions

The new NANPA's function should be to assign NANP resources to industry applicants using guidelines approved by the industry subject to Commission oversight and appropriate involvement of other governmental entities. Thus, the NANPA would continue to administer numbering resources currently administered by Bellcore as NANPA. The new NANPA should administer NPA codes, 900 NXX codes, CICs, N00 and nationwide N11 codes, SS7 point codes, vertical service codes, and ANI II digits.

It is critical that the new NANPA perform its functions in an equitable manner that will ensure the longevity of the NANP as well as the effective and efficient use of its resources. The Administrator should be required to strictly adhere to guidelines and any deviation from these guidelines would have to be approved by the Oversight Committee.

III. THE COMMISSION SHOULD NOT MOVE CO CODE ADMINISTRATION TO THE NEW NANPA AT THIS TIME

The Commission tentatively concludes that the new NANPA:

should also perform the additional functions associated with the assignment of CO codes. We believe that the public interest would be served by centralizing CO code functions at this time, at least for those CO codes used within the United States, pending review of the actual operation of the CO code guidelines adopted by the ICCF in July, 1993.⁹

⁹ Notice at para. 29. As the Commission notes (*id.* at n. 33), assignment of CO codes is currently performed by the largest LEC within each NPA.

The tentative conclusion by the Commission that the new NANPA should also assume the responsibilities for CO codes is premature. Before any centralization of geographic CO code administration can be considered, there are many complex issues that must be resolved.

First, state regulatory commissions have traditionally been very active in numbering matters that affect telecommunication services in areas under their jurisdiction. Any transfer of CO code administration away from the local area should be subject to careful review and endorsement by state regulators.

Second, the planning and implementation of NPA relief are major responsibilities of the current CO code administration organization within NYNEX. Before a transfer of CO code administrative functions could take place, an analysis of all CO code administrative functions would be required. The responsibilities for NPA relief planning and implementation, as well as CO code assignment, are all intertwined in one organization today within NYNEX. The CO code administrator is accountable to customers and regulators to ensure the efficient use of NPA resources. Any change of administrator must address all the required functions being performed today and must ensure at least the same efficiencies for a new CO code administrator.

Third, with the completion and implementation of the CO code assignment guidelines by the ICCF at the request of the Commission, there now is uniformity and less contentiousness with respect to an entity's ability to obtain CO code resources

for communications services. However, the processes required to activate the code, and industry notification through the Local Exchange Routing Guide (LERG) of all CO code activities, are also code administrator responsibilities. There is an efficient process in-place today for CO code administration which could be compromised with any change of Administrator.

Finally, it simply does not make sense to address these complex issues by diverting industry resources away from the urgent need to address the existing dramatic changes and complex issues surrounding the administration of the NANP. Industry resources are already being substantially devoted to the transfer of the existing NANPA functions performed by Bellcore, not to mention implementation of interchangeable NPAs (INPAs) and expansion of FGD CICs. Accordingly, the CO code administration issue should not be entertained prior to the transfer of NANPA from Bellcore to a new Administrator.

IV. THE COMMISSION SHOULD EXERCISE CAUTION IN IMPOSING ANY ADDITIONAL FEES; A REASONABLE AND EFFICIENT NANPA-FUNDING MECHANISM SHOULD BE FORMULATED BY THE INDUSTRY OVERSIGHT COMMITTEE

The Commission proposes to establish a set of fees payable by those who are assigned or who otherwise directly benefit from the use and regulation of telephone numbers within the United States portion of World Zone 1. These fees would be used to offset the costs incurred by the Commission in regulating numbers.¹⁰ NYNEX does not oppose the adoption of rules designed to accomplish the Commission's fee collection

¹⁰ Notice at para. 38.

mandate in a manner that is equitable, easy to administer and verify, and simple to apply.¹¹ However, we recommend that the Commission proceed cautiously in order to avoid undue cost burdens on the industry at a time of mounting competition.

The Commission also invites comment on other mechanisms that might be utilized to recover those NANP administrative costs that would not be offset by Commission fees, e.g. voluntary contributions or charges for numbering resources payable to NANPA, etc.¹²

Future funding of NANPA stands to become increasingly important as the use of numbering resources expands and becomes more complex, and as the NANPA changes and assumes any added responsibilities, necessitating greater expenditures. In this regard, NYNEX agrees with NANPA funding attributes developed by the Future of Numbering Forum (FNF), in which we participated: the NANPA funding mechanism should be simple to administer, reasonable, fair, easy to understand and non-controversial. Furthermore, that mechanism should align cost-causers with payers, and encourage effective and efficient use of NANP resources. Furthermore, NYNEX endorses the following NANP funding assumptions and principles formulated by FNF:

11 See Section 9 of Communications Act of 1934, 47 U.S.C. Section 159, added by Section 6003(a) of Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, 107 Stat. 397; Notice at paras. 32-33 and notes 46-47; Implementation Of Section 9 Of The Communications Act, MD Docket No. 94-19, Comments of NYNEX Corporation filed April 7, 1994.

12 Notice at paras. 34, 38.

1. All users of NANP resources should share in the funding of NANPA.

2. The costs of administering the funding mechanism should not outweigh the benefits.

3. The funding method should apply consistently to all users.

4. The funding mechanism should continue to support the current international integrated WZ1 structure.

5. If funding is mandatory, non-payers are not entitled to new or additional resources and must return all existing resources.

6. The funding method should support an appropriately staffed and qualified organization with specifically defined functions and responsibilities.

7. The method of funding should recognize the manner in which costs are generated (e.g., recurring and non-recurring).

8. The funding method should encourage effective and efficient use of resources.

9. The funding method should be incentive-neutral to the NANPA organization.

10. NANP should not profit from the assignment of NANP resources; however, a fair return for NANP service would be acceptable.

However, it is premature to determine a specific NANPA funding mechanism at this juncture of this proceeding. Among other things, the details of the identity and structure of the new NANPA, its roles and responsibilities, the costs of its

operations, as well as administration costs to the industry, are yet to be determined. NYNEX recommends that the Oversight Committee should carry out a request for proposal process, under Commission oversight, to select a NANPA that meets all the required attributes. In connection with that effort, the Oversight Committee, again under the aegis of the Commission, would be in the best position to develop and implement an industry funding mechanism for NANPA. In this connection, the Oversight Committee should seriously consider whether the National Exchange Carrier Association (NECA) would be a viable candidate to accomplish the collection of funds with respect to the NANPA, as NECA has useful experience collecting funds from across the industry to support Telecommunications Relay Service (TRS).¹³

V. THE TRANSITION PERIOD FOR FGD CIC EXPANSION
SHOULD NOT BE EXTENDED BEYOND EIGHTEEN MONTHS

As the Commission notes, to increase the number of FGD CICs, the industry developed a plan to expand the FGD CICs to four digits, to be implemented in the first half of 1995.¹⁴ The Commission agrees that implementation of the expansion plan should not be delayed, and the Commission tentatively concludes that "in general, the CIC expansion plan is reasonable."¹⁵ However, instead of the NANPA-selected eighteen-month transition period during which subscribers can use both three

¹³ See Notice at paras. 37-38.

¹⁴ Notice at para. 48.

¹⁵ Notice at para. 50.

and four-digit FGD CICs (i.e., permissive dialing), the Commission proposes a six-year transition period, stating:

We tentatively find that lengthening the transition period will significantly reduce -- even to the point of virtually eliminating -- the hardships imposed on pay phone providers, manufacturers, and PBX users.¹⁶

NYNEX believes such a protracted transition period would be counterproductive and recommends that the Commission approve an eighteen-month transition period.¹⁷

To extend the transition period as proposed by the Commission would unduly risk premature exhaust of this resource. During the permissive dialing period, technical limitations restrict the availability of four-digit CICs to the 5XXX and 6XXX series. That is, in order to facilitate the processing of both five-digit carrier access codes (CACs) and seven-digit CACs, the 10X, 15X and 16X series of three-digit CICs have been unassigned. This decision was made in anticipation of eventual exhaust of three-digit CICs and the associated need to introduce four-digit CICs with a permissive dialing period. This decision allows the initially expanded seven-digit CACs to provide a temporary, unambiguous code format that permits switching machines to distinguish between a five-digit CAC (10XXX) and a seven-digit CAC (1010XXX, 1015XXX

¹⁶ Notice at para. 54.

¹⁷ For the most part, modifications to pay telephones and PBX equipment to accommodate FGD CIC expansion will be needed regardless of the length of the transition period. NYNEX does not believe any hardships have been substantiated that would outweigh the problems indicated herein that would result from a significant expansion of the transition period.

and 1016XXX).¹⁸ There would be significant risk of exhaust of the 5XXX and 6XXX series of CICs before the Commission-proposed six-year transition period is completed.¹⁹ This premature exhaust would be against the public interest because additional costs would need to be incurred to accelerate the cutover to mandatory four-digit CIC dialing, notify the industry that the permissive dialing period is to be truncated and accelerate any needed modifications to coin telephone and PBX equipment to accommodate mandatory four-digit CIC dialing. Moreover, customers would be confused by all these changes.

The extended period of permissive dialing as proposed by the Commission would also exacerbate the customer confusion

18 To illustrate, suppose 7222 were assigned as a four-digit CIC. Assuming 172 is already in use as a three-digit CIC, then the CACs for these two CICs would be, respectively, 1017222 and 10172. However, given the commonality of the first five digits of these CACs, switching machines would be unable to distinguish between them, and calls would not be routed properly.

19 Under the new industry-approved CIC assignment guidelines, FGD access customers can be assigned up to six FGD four-digit CICs, an increase from the previous limit of three for three-digit CICs. For the past 60 months the assignment of three-digit CICs has been made under a strict conservation approach. In this mode only one CIC can be assigned to any new FGD access purchaser. Existing FGD access customers are not assigned any additional FGD CICs. Considering these restrictions placed on the assignment of CICs for this extended period, and the expanding, innovative uses of CICs by the equal access carriers, the demand for four-digit FGD CICs will surely be considerably higher than in the past. In addition, present industry discussions involving the provision of services such as PCS include the possibility to use a CIC to identify the service provider as well as a carrier. This would also considerably increase the rate of assignment of CICs.

which normally occurs in the changeover of a dialing code. For the proposed six-year transition period, new FGD access purchasers will require that casual users -- i.e., those not presubscribed -- of their service dial a seven-digit access code (i.e., 101XXXX). By contrast, those FGD access purchasers that have an existing three-digit FGD CIC can be accessed on a casual basis by simply dialing a five-digit access code (i.e., 10XXX). This is applicable from any user whether or not the user employs customer equipment at a station where an extended period for modification is required. New FGD access customers attempting to compete with those existing three-digit FGD customers could be placed at a considerable disadvantage.

In any event, notwithstanding the length of the permissive period, the Commission should direct or encourage access customers to work with the access providers in modifying the interfaces between them as quickly as possible. This would include: signaling interfaces between access provider and purchaser switching machines; ordering and provisioning; billing; and presubscription. The objective should be to limit the use of three-digit and four-digit CICs to the casual dialing of a CAC by the customer during the permissive period. This will aid in minimizing the complexities and costs of support systems and switches required to provide for a dual mode of operation. These complexities and costs will be magnified the longer the length of the transition period.

VI. EXPANDING PRESUBSCRIPTION TO INTERSTATE INTRALATA
1+ TOLL CALLING WOULD BE COUNTERPRODUCTIVE AND
COMPETITIVELY INEQUITABLE TO BOCs

With respect to "that relatively small proportion of toll calling which is both interstate and intraLATA in nature,"²⁰ the Commission seeks comment on whether it should require local exchange carriers to cease screening and completing interstate intraLATA 1+ MTS calls and, instead, deliver those calls to the interLATA carrier preselected by the end user unless the preliminary routing numbers indicate otherwise.²¹ NYNEX opposes the imposition of any such presubscription requirement.

An interstate intraLATA toll presubscription mandate would be competitively inequitable to NYNEX and other BOCs. As the Commission notes,²² the MFJ prohibits the BOCs from completing toll calls that cross LATA boundaries, whereas interexchange carriers can complete interLATA as well as intraLATA toll calls. This enables interexchange carriers to offer a package of interexchange as well as intraLATA and other services (i.e., "one-stop shopping"), a capability foreclosed to the BOCs. Given these inequalities, end users in all likelihood would presubscribe to an interexchange carrier which can carry all their toll traffic, rather than to the BOC which can carry only a small part of that traffic. In this scenario,

²⁰ Notice at n. 93.

²¹ Notice at para. 58.

²² Notice at para. 57 and n. 95.

interstate intraLATA presubscription would place the BOCs at a severe competitive disadvantage.

In comparable circumstances, the MFJ Court refused to require presubscription for intraLATA toll calls:

It would cost approximately \$1 billion and take several years to modify the 3,000 Bell end offices so as to permit a telephone user to presubscribe for one carrier for intra-LATA toll calls and another carrier for inter-LATA calls. /n.223: This is because the end office would require revised computer software that could determine when a call was designated for a termination point within its LATA and when it was destined for a point in another LATA./ In the absence of such an expenditure -- which the Court will not require -- what will be available to the customer in the near future is the option to preselect one telephone company, and one only. If such a customer could select in advance either an interexchange carrier or an Operating Company for intra-LATA calls, many, if not most, telephone users would preselect the former rather than the latter. This is so because of the overriding fact that, under the decree and the plan of reorganization, the interexchange carriers are allowed to carry all toll calls (both inter-LATA and intra-LATA) while the Operating Companies may carry only intra-LATA calls -- a significant drawback with respect to convenience. Thus, to require the Operating Companies to provide the presubscription option to the interexchange carriers would place the local companies at an almost insuperable disadvantage. This the Court will not do.²³

Accordingly, the Commission should not require that presubscription be expanded to encompass interstate intraLATA 1+ toll calling.

²³ United States v. Western Electric Co., 569 F. Supp. 1057, 1108 and n. 223 (D.D.C. 1983).

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VII. CONCLUSION

The efficient and fair administration of the North American Numbering Plan is essential to the development of this nation's telecommunications infrastructure. We believe that the Commission's proposals, as modified herein, go a long way to providing the necessary foundation that will ensure the longevity of the NANP as well as the effective and efficient use of its resources.

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